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MEMO ENDORSED

March 11, 2008

BY FAX: 212-805-7949

Honorable P. Kevin Castel
United States District Court Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street – Room 2260
New York, New York 10007

Re: Bank of New York v. First Magnus Capital, Inc. and Thomas W. Sullivan, Sr.,
As Trustee of the Thomas W. Sullivan Sr. Revocable Trust
U.S. District Court # 07 CV 8255 (PKC) (JCF)

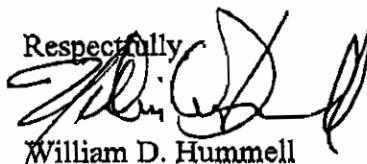
Judge Castel:

I represent defendant Thomas Sullivan, Sr. Kenneth Roberts represents plaintiff Bank of New York, and Christopher Bayley represents defendant First Magnus Capital, Inc. ("FMCI"). I am faxing this letter with the permission of "Florence," to request an immediate conference.

Currently, there is a pending Order of this federal district court, rendered by Your Honor on January 22, 2008, in which Mr. Sullivan was directed to file on or before March 14, 2008 (3 days from today) a motion to dismiss for lack of New York personal jurisdiction. It appears that, on or about February 20, 2008, FMCI filed a petition in the U.S. Bankruptcy Court in Arizona. However, the motion which Mr. Sullivan was directed to file is a procedural motion that may not be precluded by a stay concerning the other defendant, FMCI. In any event, it is irrefutable that there has been no modification of Your Honor's January 22, 2008 Order, which Mr. Sullivan cannot disregard.

I have requested Mr. Roberts and Mr. Bayley to join me in requesting a conference with Your Honor to request an Order which adjourns the deadline for Mr. Sullivan to file a motion to dismiss. Mr. Bayley confirmed his willingness to participate. However, Mr. Roberts has not done so (see enclosed copy of electronic letters exchanged with counsel). In the event that Your Honor grants my request for an immediate conference, I request that it would be conducted by telephone, especially as Mr. Bayley is physically located in Arizona.

Respectfully


William D. Hummell

The time to file a motion to dismiss for all defendants not covered by the bankruptcy stay is extended to April 4. SO ORDERED. J. Smith

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cc: By Electronic Transmittal, and Regular U.S. Mail

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